

## Message Text

LIMITED OFFICIAL USE

PAGE 01 GEORGE 00432 031750Z

43

ACTION L-03

INFO OCT-01 ARA-06 ISO-00 AID-05 OPR-02 SCA-01 JUSE-00

CPR-01 SSO-00 /019 W

----- 108110

O 031635Z MAR 76

FM AMEMBASSY GEORGETOWN

TO SECSTATE WASHDC IMMEDIATE 2473

LIMITED OFFICIAL USE GEORGETOWN 0432

E.O. 11652: N/A

TAGS: ASCH, PDIP, GY

SUBJECT: CIVIL SUIT AGAINST CHAIRPERSON OF SCHOOL BOARD

REF: STATE 050539

1. I AM CONSULTING WITH FONMIN WILLS RE PARA 1, BUT DO NOT ANTICIPATE THAT WILLS WILL AGREE TO MAKE SUCH CERTIFICATION BEFORE COURT IN FEW HOURS REMAINING BEFORE MAGISTRATES HEARING, SINCE HE WOULD HAVE TO CONFER WITH ATTORNEY GENERAL AND BOTH OFFICIALS HAVE WEIGHTIER MATTERS OCCUPYING THEIR TIME. BARRISTER CLARKE NOW ASSURES US HE CAN ASK MAGISTRATE TO STRIKE MATTER FROM DOCKET AB INITIO AS HAVING NO LETAL MERIT WITHOUT PREJUDICE TO ANY SUBSEQUENT PLEA, INCLUDING DIPLOMATIC OR SOVEREIGN IMMUNITY THROUGH POSSIBLE CERTIFICATION BY FOREIGN OFFICE THAT SCHOOL BOARD IS OFFICIAL ELEMENT OF EMBASSY. HE ADDS THAT HE CAN MAKE THIS ATTEMPT WITHOUT APPEARANCE BY MRS. MUDGE IN COURT. IF UNSUCCESSFUL, HE ADDS HE CAN REQUEST A POSTPONEMENT, WHICH HE IS CONFIDENT WOULD BE GRANTED. UNLESS ADVISED OTHERWISE BY DEARTMENT, MRS. MUDGE WILL INSTRUCT HIM TO PROCEED.

2. RE PARA 2 OF REFTTEL, THOUGH CLARKE IS NOT REPRESENTING USG, WE DO NOT CONSIDER THAT HE IS REPRESENTING MRS. MUDGE IN A PURELY PRIVATE CAPACITY. THOUGH THE SCHOOL BOARD IS NOT A LEGALLY REGISTERED CORPORATION BY GUYANESE LAW AND OUR POSITION WITH GOC REPEAT WITH GOG IS THAT IT IS AGENT OF EMBASSY, IT NONETHELESS MAINTAINS SEPARATE BANK ACCOUNTS, DISPENSES FUNDS,  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GEORGE 00432 031750Z

PAYS SALARIES TO STAFF, HAS BY-LAWS FILED WITH OFFICE OF OVERSEAS

SCHOOLS AND AT LEAST INFORMALLY APPROVED BY THAT OFFICE, AND ENGAGED CLARKE ON THIS CASE. THE BOARD INTENDS TO PAY CLARKE'S FEE FROM ITS OWN RESOURCES, SINCE MRS. MUDGE IS CLEARLY BEING SUED ONLY IN HER CAPACITY OF CHAIRPERSON OF BOARD.

3. JOHN THEOPHILUS CLARKE, SENIOR COUNSEL AND BARRISTER, IS AN ASSOCIATE COUNSEL (MEMBER) OF CLARKE AND MARTIN, SOLICITORS. (ONLY SOLICITORS, AND NOT BARRISTERS, CAN FORM LAW FIRMS UNDER GUYANESE LAW). CLARKE'S SON, M. ERIC CLARKE, SOLICITOR, IS CO-FOUNDER OF FIRM. SENIOR ASSOCIATE COUNSEL, SIR ERIC STOBLY, IS A PAST CHANCELLOR OF JUDICIARY (EQUIVALENT OUR CHIEF JUSTICE OF SUPREME COURT) OF GUYANA. PRIME MINISTER BURNHAM WAS FORMERLY AN ASSOCIATE COUNSEL. FIRM HAS DONE MOST OF AID MISSION'S LEGAL WORK FOR YEARS, THOUGH NOT ON RETAINER. J.T. CLARKE HAS GOOD REPUTATION AND CLARKE AND MARTIN IS ONE OF GUYANA'S LEADING LAW FIRMS.

4. WE WILL RESPOND TO PARA 4 AFTER WE OBTAIN NECESSARY INFORMATION FROM FONMIN AND CLARKE, PROBABLY AFTER MARCH 4 MAGISTRATES HEARING. RE PARA 5 OF REFTTEL, WE HAVE NO SCHEDULE OF FEES, BUT ARE CONFIDENT THEY WILL NOT BE EXCESSIVE.  
KREBS

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LITIGATION, REPORTS, SCHOOLS, DIPLOMATIC PERSONNEL  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 MAR 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** cahillha  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976GEORGE00432  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760081-0143  
**From:** GEORGETOWN  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t197603100/aaaadkog.tel  
**Line Count:** 83  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 STATE 50539  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** cahillha  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 19 JUL 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <19 JUL 2004 by KelleyW0>; APPROVED <26 OCT 2004 by cahillha>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** CIVIL SUIT AGAINST CHAIRPERSON OF SCHOOL BOARD  
**TAGS:** ASCH, PDIP, GY  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006